

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 v.)
)
FRANCOISE NGELE BUNDU) CR. NO. 05-01076-JGD

GOVERNMENT'S MOTION TO CLARIFY OR
AMEND CONDITIONS OF PRETRIAL RELEASE

The United States of America, by and through its attorneys United States Attorney Michael J. Sullivan and Assistant United States Attorney Donald L. Cabell, hereby moves that the Court clarify that its Order releasing the defendant on conditions (1) permits her to leave the premises to attend a properly noticed deposition in which she is to be deposed and, more generally, (2) requires that the defendant be accompanied by counsel (civil or criminal) or her third party custodian whenever she leaves her residence. In support of the motion, the government has been advised of two recent events evincing some disagreement or confusion over the scope of the Court's Order; both events arise in the context of the Middlesex Probate Court civil action.

First, counsel for Benoit Bundu has noticed the deposition of Francoise Bundu for June 17, 2005, at 10:00 a.m., at the offices of Benoit Bundu's counsel in Boston. By letters dated June 6 and 7, 2005, civil counsel for Francoise Bundu has responded that Ms. Bundu will not be able to attend the deposition because, although this Court's order allows her to leave the premises for "legal proceedings," a deposition is not a

legal proceeding within the meaning of the Court's Order. In the government's view, because the noticed deposition flows wholly from the probate court action, it is unquestionably a "legal proceeding" and, therefore, an event which the defendant may attend. Alternatively, should the Court find that its Order does not address this issue, the government moves that the Court amend the conditions of release to allow the defendant to leave the premises to attend any deposition conducted in connection with the probate court action.

Second, on June 2, 2005, this Court granted the defendant's motion to modify the conditions of release to allow the defendant to attend supervised visits with her children; the government assented to that motion. The government has been advised that the defendant attended a supervised visit on June 3, 2005, but was unaccompanied by counsel or third party custodian. Assuming this is correct, and to eliminate any ambiguity in the future, the government respectfully requests that the Court clarify that the defendant may not leave the residence to attend any meeting, function or proceeding unless accompanied by counsel or her third party custodian.

Respectfully submitted,
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